

Question on Notice

No. 1233

Asked on 19 September 2018

MR D JANETZKI ASKED THE ATTORNEY-GENERAL AND MINISTER FOR JUSTICE (HON Y D'ATH) –

QUESTION:

Will the Attorney-General advise the number of persons convicted of manslaughter in relation to a child from 2015-16 to 2017-18 (reported separately by year)?

ANSWER:

I thank the Member for Toowoomba South for his question.

In relation to criminal proceedings, the Queensland Courts case management system is designed to record details of the defendant charged. Therefore, it is not possible to identify from this system manslaughter convictions in relation to a child.

As the Member would be aware, there is no distinct offence of manslaughter of a child within the *Criminal Code*. The offence of manslaughter is punishable by life imprisonment, regardless of the age of the victim. The *Penalties and Sentences Act 1992* provides that when imposing a sentence, the Court must have regard to a number of factors relevant to the victim but more specifically the physical, mental or emotional harm done to a victim and the effect of the offence on a child under 16 years of age.

I am pleased to inform the Member that I have requested the Queensland Sentencing Advisory Council (QSAC) to examine the important issue of penalties imposed on sentence for criminal offences arising from the death of a child.

As part of its examination of penalties imposed on sentence for criminal offences arising from the death of a child, the QSAC released a research report on 19 July 2018. This report provides a descriptive analysis of the offence characteristics, victims, offenders and sentencing outcomes associated with child homicide offences finalised by Queensland criminal courts in the 12-year period between 1 July 2005 and 30 June 2017. A copy of the report can be located at the following link:

https://www.sentencingcouncil.qld.gov.au/_data/assets/pdf_file/0006/576510/sentencing-for-child-homicide-offences-research-report-july-2018.pdf.

I look forward to receiving and considering the QSAC's final report when it is provided to me.